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APRIL 7, 2009

Transcribed by Lynne M. Homan, CSR

April 16, 2012



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1 These are the kinds of things that everybody
2 takes for granted, but let me just share the fact that
3 it didn't take much at all to confuse a taken-for-
4 granted process of going to this particular place that
5 you've gotten used to, where you will be able to
6 exercise your right to have an impact upon the society
7 in which you live, and that's just got to be -- it's a
8 charge for my fellow clients that they desire so much,
9 because listen, there's few things that they can't
10 automatically experience in a real satisfying grateful
11 manner, but I'll tell you from the get-go, that when I
12 was treated in the brain injury rehabilitation facility,
13 I was a client until they realized that this guys got a
14 Master's in health and physical education and a minor in
15 psychology and he taught middle school students and did
16 that for ten years, and then led a teacher organization
17 in his school district, and it was a case of me having
18 had a good bit of life engagement, engaging experiences
19 that I benefited from, as well as the charges that I
20 came in contact with and influenced, including now my
21 thousands of students that I made an impression on and
22 they made an impression on me, via my ten years in the
23 public school. I was teaching and coaching, and so I
24 know it's too late but my intent, to make a long story
25 short, if it's not too late, is to share with you that



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1 the group that I'm here today representing is just
2 counting on the voting process to be one that they can
3 access without any additional restrictive discriminatory
4 hoops, ropes that they'll have to tread through or jump
5 or climb over, because, you know, I've got fellow
6 clients that I used to work with who were so gratified
7 by just being able that I shared with them the fact
8 that, hey, look, you, you make a difference, you
9 matter. There's nobody that's going to take that away
10 from you. I mean, you can go and lodge your interest
11 and desires at a polling place and your influence by
12 doing so will have just as much of an effect as, you
13 know, King Roy, which doesn't exist, but that was my
14 attempt at sharing the fact that as small as they may
15 think they are, they are empowered to have as much sway
16 or influence by the --

17 CHAIRMAN: Mr. Heston.

18 MR. HESTON: yes, I'm sorry.

19 CHAIRMAN: That's all right. I hate to
20 interrupt you. I have given you several times the
21 amount of time the other witnesses have.

22 MR. HESTON: Uh-huh.

23 CHAIRMAN: And I've done that on purpose
24 because of the nature of your disability.

25 MR. HESTON: I appreciate it.



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1 CHAIRMAN: And I want to give you the members
2 of the panel to ask you some questions.

3 MR. HESTON: Thank you so much.

4 CHAIRMAN: And I want to ask you a question or
5 two and I just want to make sure it's clear I'm not
6 cross examining you.

7 MR. HESTON: No, no.

8 CHAIRMAN: I want to give you an opportunity
9 to educate me about your situation.

10 MR. HESTON: Certainly.

11 CHAIRMAN: How do you currently vote?

12 MR. HESTON: How do I currently --

13 CHAIRMAN: When you go vote, what
14 documentation or identification do you use when you
15 vote?

16 MR. HESTON: I do whatever I happen to have in
17 my clothing that day.

18 CHAIRMAN: Okay.

19 MR. HESTON: So I usually have my wallet and
20 all of its contents from, you know, credit cards and
21 such that I live on, you know. I don't -- I don't do
22 much other than kind of keep a compact package to take
23 whatever it is.

24 I might have my, you know, license, and
25 don't be scared, don't be afraid you might run into me



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1 on the roadway, because I can --

2 CHAIRMAN: You do have a driver's license?

3 MR. HESTON: I do, and I can drive just fine.
4 I just, you know, desire for there not to be a sudden
5 malfunction in the cab of my vehicle that might cause a
6 problem.

7 CHAIRMAN: And you understand that you, under
8 this legislation, you can use that driver's license to
9 vote just as you can under current law?

10 Did you know that under the Senate bill, you
11 can use that driver's license to vote just as you can
12 under current law?

13 MR. HESTON: Well, I -- you're bringing to
14 mind something that I think I come across. But you
15 know, I'm one of the few that has the capacity to drive.

16 CHAIRMAN: Right.

17 MR. HESTON: Amongst that group that I
18 represent.

19 CHAIRMAN: Okay. Have you looked, by chance,
20 at the list of none photo identifications that are
21 available?

22 We heard some testimony today from a witness
23 that brought to our attention that perhaps we ought to
24 include in that list photo identifications from a
25 private university in the state of Texas.



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1 MR. HESTON: Yes.

2 CHAIRMAN: I mean, that's why we're having
3 these hearings, is for people like you to identify
4 things that we haven't thought about.

5 MR. HESTON: Okay.

6 CHAIRMAN: Have you had a chance to look at
7 the list?

8 MR. HESTON: I can say that I glanced over
9 it. I don't have the capacity to remember. Just like
10 you just got my attention.

11 CHAIRMAN: Yes.

12 MR. HESTON: And opened my eyes and realized
13 that I probably have been going on for 45 minutes, but
14 nevertheless --

15 CHAIRMAN: I don't think it was quite that
16 long.

17 MR. HESTON: Okay. Well, nevertheless, see,
18 I'm hugely fortunate in that I attend the brain injured
19 association because I can advocate for my fellow members
20 in the association in that that I'm able to drive and I
21 can work the copier and I can type and I can even write
22 a story or two if I get so motivated, but yes, go
23 ahead. I'm sorry.

24 CHAIRMAN: I just want to give the other
25 members of the panel an opportunity to ask you any



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1 questions they would like to ask you. Representative
2 Heffer?

3 REPRESENTATIVE HEFFER: Mr. Heston, I just
4 want to thank you for coming here today.

5 MR. HESTON: My pleasure, sir.

6 REPRESENTATIVE HEFFER: And I want to assure
7 you that you represent a very important segment of our
8 population, and I think it would behoove that committee
9 to ensure that whatever steps we need to take to ensure
10 you're right to vote is protected, to do so.

11 MR. HESTON: Thank you very much.

12 REPRESENTATIVE HEFFER: So I want to
13 thank you for being here today. You certainly do
14 represent your citizenry well.

15 MR. HESTON: Thank you so much.

16 REPRESENTATIVE HEFFER: Thank you for
17 your testimony here today.

18 MR. HESTON: I appreciate it.

19 REPRESENTATIVE HEFFER: Thank you.

20 CHAIRMAN: Any other questions for this
21 witness? I think that's all we have. We thank you,
22 Mr. Heston, for taking the opportunity to do this today.

23 MR. HESTON: I appreciate the
24 opportunity.

25 CHAIRMAN: Absolutely. Good job. At



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1 this time, the Chair would call Eric Nichols, who is
2 speaking on behalf of the Office of the Attorney General
3 as a resource witness and is neutral on Senate Bill
4 362.

5 Please state your name and who you
6 represent.

7 MR. NICHOLS: Thank you, Mr. Chairman.
8 Eric Nichols, Deputy Attorney General for Criminal
9 Justice here on behalf of the Office of the Attorney
10 General. I appeared as a resource witness before the
11 committee in its last session. Actually that was
12 earlier this morning. But I'm here, I understand, to
13 answer one particular concern that the committee had in
14 addition to what I testified to earlier this morning,
15 which concerns a matter that I raised in my earlier
16 testimony but may not have put enough of a punctuation
17 mark on it, and that is the issue about public testimony
18 concerning matters that are the subject of ongoing
19 criminal investigations through our office.

20 And I want to make clear that it was on the
21 record that among the matters that we have under active
22 investigation for potential election code violations
23 include two elections that occurred in the year 2008 in
24 Hidalgo County in the city of Progresso.

25 One was an independent school district



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1 election. The other was a municipal election. The
2 other matters that I've heard some reference to in the
3 debate over this legislation concern Harris County, and
4 our office has active investigations concerning both the
5 primary and general elections in Harris County in 2008.

6 The reason why I'm mentioning this is that
7 from the perspective of a person who works with both our
8 prosecutors and our investigators on these types of
9 investigations, I would find it extremely unfortunate
10 if, in the context of a public hearing on legislation
11 such as this, that either the committee or individual
12 witnesses would engage in a discussion about facts of
13 matters that are under active investigation. And the
14 reason for that is many fold but I'll give you two.

15 Number one, there's a need to protect the
16 integrity of ongoing criminal investigations. And
17 number two, in all criminal investigations, both inside
18 and outside of grand jury, we respect the rights of
19 people who report crime and we respect the rights of the
20 people who may be accused of crime. And until such time
21 as an investigation is completed and a determination is
22 made that somebody is going to stand to account for
23 charges, it's wholly inappropriate to engage, in our
24 view, in a public discussion about those types of
25 allegations. So I would certainly ask for and respect



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1 the committee's desire to provide some indulgence to not
2 engage in a discussion about facts of matters that are
3 under investigation, and I would also encourage any
4 witnesses who are here that may be aware of the fact
5 that the matters that they may wish to talk about are
6 under investigation to refrain from discussing those.
7 That is not to interfere with someone's ability to
8 exercise their rights, to testify about the legislation,
9 what they see as the advantages or disadvantages of a
10 particular piece of legislation.

11 My comments deal specifically with the
12 discussion of facts of matters that are under
13 investigation, and I hope, Mr. Chairman and members of
14 the committee, that that is a little bit more clear than
15 I was at 1:15 a.m. this morning, but if the committee
16 has any questions on that or other subject, I would be
17 happy to amplify.

18 CHAIRMAN: Representative Anchia?

19 REPRESENTATIVE ANCHIA: Thank you for being
20 here today, Mr. Nichols. I want to make sure I
21 understand the admonition completely. If someone is
22 here and wants to testify about specific facts that may
23 be the subject of an ongoing investigation by the
24 Attorney General, you are advising that that may
25 adversely impact the investigation of the Attorney



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1 General.

2 MR. NICHOLS: Yes, sir.

3 REPRESENTATIVE ANCHIA: And it is your further
4 admonition that if someone has come here to testify in
5 favor or against the Senate bill, that they should limit
6 their testimony specifically to the provisions of the
7 bill?

8 By way of example, I think that provision A,
9 B, C, or D is good for the following reasons, correct?

10 MR. NICHOLS: That is exactly our preference.
11 Thank you Representative Anchia.

12 REPRESENTATIVE ANCHIA: Thank you.

13 MR. NICHOLS: And so we're going to have no
14 choice but to leave that to the discretion of the
15 witnesses on the list, whether you be from Houston or
16 Progresso or any other part of our state and you're
17 aware or familiar with any ongoing active criminal
18 investigations, we can't and don't wish to prevent you
19 from testifying on how you feel about this particular
20 piece of legislation, but you're the one that's going to
21 be talking and so you need to make sure that you do not
22 say anything about any facts or matters related to items
23 that you have reason to believe are under active
24 criminal investigation, and to the extent that you're
25 not sure you can do that, then it's up to you on whether



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1 you want to testify. I presume all of you do not want
2 to do is do anything to undermine the ability to
3 prosecute any crime of any kind in this state.

4 Any other questions of the representative of
5 the Attorney General?

6 NEW SPEAKER: I just want to make sure I
7 understand. Are you asking this committee to refrain
8 from asking questions about specific instances that have
9 been involved -- I'm sorry -- that have been discussed
10 in the newspapers?

11 MR. NICHOLS: To the extent that they are the
12 subject of ongoing criminal investigations, and that's
13 why I wanted to particularly point out the situation
14 with Hidalgo County and Harris County.

15 NEW SPEAKER: There's no legal prohibition,
16 you're just asking us to respect your wishes?

17 MR. NICHOLS: I'm asking for the committee's
18 indulgence on that and appreciate whatever consideration
19 the committee can provide.

20 CHAIRMAN: Representative (Inaudible)?

21 REPRESENTATIVE: Technically speaking,
22 wouldn't there be some legal reason for that though? I
23 mean, it's not just your indulgence, it's the fact that
24 we could compromise a pending case.

25 MR. NICHOLS: That is certainly a possibly,



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1 plus we have to take into account that both witnesses
2 and persons who may be the subject of investigations may
3 have rights that, that, if they're testifying before a
4 public body such as this, may be compromised. And so
5 for that reason as well, to protect the rights of
6 individual witnesses, I just think it's the most prudent
7 course of action to do what I've suggested.

8 NEW SPEAKER: And to be clear, you're
9 just not asking you to indulge us in our choosing not to
10 ask you questions, but ensuring that they don't enter
11 testimony specific to their case simply, they need to be
12 very pointed and specific to the legislation and only
13 speak to that.

14 MR. NICHOLS: Yes, sir.

15 CHAIRMAN: Representative Peña?

16 REPRESENTATIVE PEÑA: My understanding of
17 any legal prohibition would be the discussion of grand
18 jury testimony, is that correct?

19 MR. NICHOLS: Grand jury proceedings are
20 secret by law, yes, sir.

21 MR. PEÑA: Right, but other than that,
22 it's simply a request made to us, without legal
23 restriction?

24 MR. NICHOLS: If it's not -- if it
25 doesn't relate to grand jury proceedings, it's not



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1 subject to grand jury secrecy; however I think there are
2 other legal considerations that come in into play.

3 MR. PEÑA: I appreciate what you're
4 trying to tell me. I just want to make sure I
5 understand.

6 MR. NICHOLS: Yes, sir.

7 MR. PEÑA: There are many times --
8 I'm an attorney and many times I'm asked
9 to -- when there are criminal proceedings against an
10 individual, for example, in a sexual assault case, I'm
11 asked, or the judge is asked to hold me back from
12 conducting discovery because it just seems unfair or
13 you'd rather do one thing at a time, and in this case,
14 you have no -- you have no way to legally bind us,
15 you're simply making a request?

16 MR. NICHOLS: I'm making a request that I
17 believe is based on both law and good policy.

18 MR. PEÑA: You understand the impression
19 that that leaves on many of the people who read the
20 papers, and when there are allegations made of voter
21 impersonation, that those are just blanket allegations,
22 without any cross examination or examination, and that
23 leaves a -- it can leave a bad impression on the reader
24 or on the citizenry out there.

25 MR. NICHOLS: Representative, I'm a



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1 Prosecutor by profession and one of the things that I
2 strongly believe in that persons are innocent until such
3 time as they are proven guilty in a court of law, and I
4 believe that very strongly and I believe that anyone who
5 reads a paper should feel the same way.

6 MR. PEÑA: Yes. Now let me just say,
7 just as a statement, I've said here and I have friends
8 here from the valley. There is a level of political,
9 dirty politics. For example, in the treatment of the
10 elderly with mail-in ballots that I'm concerned about,
11 but when an allegation is made of voter impersonation,
12 you can understand my concern, when other witnesses have
13 said that they've never seen any of it found in the
14 valley, you can understand that, right? You can
15 appreciate my concern.

16 MR. NICHOLS: I appreciate your concern
17 and I've heard a number of things said by persons who
18 are on different sides of this issue about the lack of
19 evidence of voter -- voter impersonation and so forth,
20 so I understand, I think, where you're coming from.

21 MR. PEÑA: Right. Well, I'll listen to
22 the testimony.

23 MR. NICHOLS: Yes, sir.

24 MR. PEÑA: But I also want to make this
25 statement. I'm probably one of the strongest opponents



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1 against voter corruption in my community. I will come
2 out and blast people, and my friends here who are the
3 owls, understand who are against voter corruption as
4 well.

5 Will understand that I've taken great steps to
6 talk about corruption, and in all my experience, like
7 Mr. Wood, I found little evidence of voter
8 impersonation. I simply haven't seen it. And I simply
9 want to make that statement because the papers have all
10 covered this event in Progresso, and I understand how
11 politics is done in my smaller community in the valley,
12 but I also would like people to understand that you
13 can't take a bear statement as gospel, that there needs
14 to be an examination of the facts.

15 MR. NICHOLS: And you and I agree a
16 hundred percent on that, which gets to my point, that
17 that examination of the facts needs to be done, it needs
18 to be done in a professional manner by professional
19 investigators, professional prosecutors, before anyone
20 reaches a conclusion one way or the other.

21 MR. PEÑA: Let me say if, in fact, there
22 is any voter impersonation that has occurred, I would
23 ask that you prosecute them to the fullest.

24 MR. NICHOLS: Yes, sir.

25 MR. PEÑA: But that doesn't leave my



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1 skepticism as to the things I've read in the paper,
2 based on the experience I've had in living in the
3 community. But anyway, I respect your request.

4 MR. NICHOLS: I appreciate it.

5 CHAIRMAN: Representative Bonner?
6 Chairman Bonner.

7 REPRESENTATIVE BONNER: Chairman Peña, I
8 respect completely, I think what we're trying to do is
9 make sure this committee doesn't engage in the rhetoric
10 or discussion that's been in the newspapers, and that we
11 leave that out of this, because this committee is not
12 the proper place to get the facts and decide whether
13 this is appropriate or inappropriate.

14 I think what we're trying to do is ensure what
15 you want to ensure, which is that we not go into these
16 discussions and we not have allegations brought that
17 can't be discovered fully, true or untrue, by this
18 committee. Is that fair, Mr. Peña?

19 MR. PEÑA: I understand what you're
20 saying, and my goal, as is everyone here, is to find the
21 truth and to find some, and that's all I'm attempting to
22 do.

23 REPRESENTATIVE BONNER: Yes, sir.

24 CHAIRMAN: All right, Representative
25 Brown's question, before she asks it, I would just like



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1 to show on the record that Lynn Harper has joined us.

2 Representative Brown.

3 REPRESENTATIVE BROWN: One question. You
4 were with us last night until we adjourned, correct?

5 MR. NICHOLS: Yes, sir.

6 REPRESENTATIVE BROWN: Did you hear
7 anything that he gave you that you were concerned about
8 that we've entered into?

9 MR. NICHOLS: Well, I did want to mention
10 Harris County, because there was some discussion about
11 Harris County. I don't know if issue is going to come
12 up again today or not, and that is why.

13 REPRESENTATIVE BROWN: Was the video a
14 problem?

15 MR. NICHOLS: No, the video was a news
16 report, but in terms of getting into questions of
17 wanting to get copies of records so that people can do
18 signature comparisons, I think I heard a reference to
19 that during the committee's hearing, wanting to talk to
20 witnesses who are involved in this outside the
21 professional criminal investigation process, any effort
22 by either, by anyone outside the criminal investigation
23 process to interview witnesses, collect documents, all
24 of that has the capacity to interfere with an ongoing
25 criminal investigation, so I appreciate your clarifying



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1 that.

2 REPRESENTATIVE BROWN: Thank you.

3 CHAIRMAN: Any other questions of this
4 witness?

5 I don't see any questions. Thank you.

6 MR. NICHOLS: Thank you.

7 CHAIRMAN: Thank you, Mr. Nichols. At
8 this time, the Chair calls Marilu Ybarra, representing a
9 group from Progresso, who's testifying in favor of
10 Senate Bill 362. Do you wish to testify? Just state
11 your name.

12 MS. YBARRA: Yes, my name is Marilu
13 Ybarra?

14 CHAIRMAN: And you represent yourself?

15 MS. YBARRA: Yes, sir.

16 CHAIRMAN: And do you have anything you
17 wish to share with us today, in light of this discussion
18 we've just had?

19 MS. YBARRA: Okay. We leave this effect
20 on the borders for every election in Progresso, so
21 please help us to pass this leg -- I don't know how to
22 --

23 CHAIRMAN: Legislation?

24 MS. YBARRA: Yes.

25 CHAIRMAN: Thank you very much. Members,



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1 do you all have any questions of this witness?

2 Representative Peña, Chairman Peña?

3 MR. PEÑA: Ms. Ybarra?

4 MS. YBARRA: Yes, sir.

5 MR. PEÑA: I want to assure you that
6 everybody here is against it and it's our intention to
7 have good government not only in the valley but
8 throughout Texas, I want you to know that and I want to
9 thank you.

10 MS. YBARRA: Okay.

11 CHAIRMAN: And you want us to show you in
12 favor of Senate bill 362?

13 MS. YBARRA: Yes, sir.

14 CHAIRMAN: And we will. Thank you.

15 MS. YBARRA: Thank you.

16 CHAIRMAN: The Chair calls Annabell
17 Medina, representing herself as a taxpayer testifying in
18 favor of Senate bill 362.

19 UNIDENTIFIED FEMALE: She's in favor.

20 CHAIRMAN: Thank you. Just state your
21 name.

22 MS. MEDINA: My name is Annabell Medina.
23 My name is Annabell Medina.

24 CHAIRMAN: And you're here representing
25 yourself?



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1 MS. MEDINA: Yes. I'm from Progresso,
2 Texas.

3 CHAIRMAN: All right. Anything you wish
4 to tell us?

5 MS. MEDINA: Well, we just wish for that
6 law to pass because we are having trouble there, people
7 voting without an ID, voting for somebody else with a
8 card.

9 CHAIRMAN: Thank you. Any questions
10 members, of this witness? And just to be clear, I think
11 I've already established this, but you wish us to show
12 you as in favor of Senate bill 362, right?

13 MS. MEDINA: Yes, that's right.

14 CHAIRMAN: Thank you.

15 MR. MEDINA: Thank you.

16 CHAIRMAN: At this time, the Chair calls
17 Pedro Lopez, representing himself. Is he close by or --

18 UNIDENTIFIED FEMALE: He went to the
19 bathroom.

20 CHAIRMAN: Okay. Well, I want to give
21 him an opportunity to testify.

22 The Chair calls Ramey Coe, representing
23 the Organization of Chinese Americans. Are you here? I
24 got to give these people an opportunity to testify.
25 Ramey, if you are hearing me or seeing me --



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1 There you are.

2 MR. COE: (Inaudible).

3 CHAIRMAN: I understand. Please state your
4 name and who you represent.

5 MR. COE: My name is Ramey Coe. I represent
6 the Organization of Chinese Americans.

7 CHAIRMAN: You're testifying against Senate
8 bill 362?

9 MR. COE: That's correct, sir.

10 CHAIRMAN: Okay, thank you. Please proceed.

11 MR. COE: Just to tell you a little bit about
12 OCA, we were founded in 1973 as national organization.
13 There are over 81 chapters and affiliates currently
14 dedicated to advancing the social, political and
15 economic well-being of Asian Pacific Americans, as one
16 of 14 national civil rights, Asian American civil rights
17 organizations in D.C.

18 Photo ID requirements for voting have a
19 particularly onerous effect on the ability for Asian
20 Americans to vote. A recent survey of voters in
21 California, Washington State and New Mexico, Asian
22 American voters, that is, showed that Asian Americans
23 are eight percent less likely to have photo ID than
24 their white counterparts.

25 Additionally, and these are some things that



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1 aren't necessarily against all of elements of the bill
2 but things I'd like the committee to keep in mind when
3 looking at possible changes or amendments to the bill,
4 to be aware of the fact that the expense and time
5 required to obtain an ID is especially problematic for
6 naturalized citizens. Half the Asian American
7 population is foreign born, a higher proportion than any
8 other ethnic group in the United States.

9 Even if photo IDs are provided for free,
10 obtaining documents such as naturalization certificates
11 to obtain the ID or other documentation requires a great
12 deal of time and expense. Naturalization certificates
13 cost \$380 and can take up to a year to receive.

14 Photo ID requirements give poll workers an
15 enormous degree of discretion at polling places, which
16 can be particularly problematic for naturalized Asian
17 Americans who have limited experience the legalese
18 surrounding ID laws.

19 A law would raise the risk of communication
20 difficulties that would deny Asian Americans the right
21 to vote. Numerous studies have already documented many
22 cases in the past several elections that where Asian
23 Americans were asked to show ID at polls in various
24 states, mis-understandings arose that frequently
25 resulted had in the legally eligible voters being denied



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1 the right to cast a ballots.

2 Now one thing in particular I'd like to
3 emphasize is the problem with name matching
4 requirements, and this is just something perhaps to keep
5 in mind about the bill itself. In 2008, various Asian
6 Americans organizations, including the Asian American
7 Justice Center, documented numerous cases of Asian
8 Americans being denied the right to vote in states with
9 voter ID laws because of name matching problems. This
10 was particularly a problem in Florida. Chinese,
11 Japanese and Korean names are not written with the
12 English alphabet and have multiple parts. When Asian
13 Americans transliterate these names for documentation
14 and IDs, there are frequently inconsistencies, either
15 because the person has refined the spelling over time or
16 because errors are made in transcription by workers
17 unfamiliar with Asian names. These can range from
18 incorrect hyphenation to switched letters, to improperly
19 combining or splitting separate parts of the name. Many
20 Asian Americans also adopt American names for daily use,
21 so sometimes they have different names on different ID.
22 For example, my cousin's passport and Social Security
23 card use her transliterated Chinese name but her
24 driver's license says Kathy.

25 What all of this points to is the fact that



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1 Asian American voters, as a community, have numerous
2 concerns with various elements of this legislation and
3 the way that it might impact their right to vote.

4 CHAIRMAN: Before I let members of the
5 committee to ask you questions, Mr. Coe, can you give me
6 some sense, how many people do we have in the overflow
7 room?

8 MR. COE: I think we have about I'd say 20 to
9 30.

10 CHAIRMAN: Okay, and if you're listening or
11 you can see me, I guess you can see me, I think we have
12 20 do 30 empty seats in this room, and so to the extent
13 you would like to, I welcome you to join us here in this
14 room so that as we call random people to testify, you
15 might be more readily available.

16 Any questions for this witness?
17 Representative Brown?

18 REPRESENTATIVE BROWN: Yes. Thank you for
19 coming to testify. When a person is naturalalized and
20 they come to this country and are naturalized, aren't
21 you given some kind of document proving that
22 naturalization at that point?

23 MR. COE: Sometimes, there's frequently cases
24 where an official naturalization certificate, for
25 whatever reason, doesn't make it to the person. A lot



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1 of times, also there's problems where, over a course of
2 time, that certificate is lost. A lot of people, it's
3 not a document people keep on them, it's not a document
4 that a lot of people have readily available. My
5 parents' naturalization certificates, for example, are
6 in their safety deposit box.

7 REPRESENTATIVE BROWN: So that wouldn't be
8 that difficult for them to prove their identity with
9 that paper?

10 MR. COE: No, not for my parents, no, but for
11 other Asian Americans.

12 REPRESENTATIVE BROWN: I just wondered if this
13 was presented and people just tossed it like it wasn't
14 valuable.

15 MR. COE: Oh, no, I don't think it's because
16 people don't think it's valuable. I just think that,
17 you know, people here who have been naturalized for --
18 there's a significant number of Asian Americans now who
19 have been naturalized for 20, 30 years, and over the
20 course of moving, you know, papers gets shuffled around
21 and sometimes even important documents get lost.

22 REPRESENTATIVE BROWN: But you feel that would
23 be the exception and not the rule, that most people
24 would still retain that document and not be forced to go
25 spend \$300 to obtain one?



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1 MR. COE: I think it's an example of the type
2 of additional documentation hurdles that people who are
3 naturalized citizens tend to face. I couldn't give you
4 an exact number of exactly how many people that would
5 effect, but between naturalization documents and other
6 types of documentation issues related to that, you know,
7 I just want to point out that that is an additional
8 burden.

9 REPRESENTATIVE BROWN: Is there a proof of any
10 kind of identification prove in China in order to
11 participate in an election or do you have --

12 MR. COE: Well, there's not a lot of elections
13 in China.

14 REPRESENTATIVE BROWN: I guess not. Touche.
15 Okay, would there be any other time that you have to
16 prove identity in China?

17 MR. COE: Well, in China, this is actually a
18 tradition dating back through the imperial period of
19 Chinese history. All Chinese residents were required to
20 register with local magistrates, and in fact, to this
21 day, that survives.

22 When you're born, you have to go and get this
23 document registration, and actually there's a lot of
24 restrictive rules around, that you can't move without
25 permission because the government has to be able to keep



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1 track of where you are at all times, et cetera, et
2 cetera.

3 REPRESENTATIVE BROWN: It's like a birth
4 certificate?

5 MR. COE: Kind of. It's more like an all
6 purpose passport. Well, it's not a passport. It's more
7 like an all-purpose government identity card, but the
8 reason everybody has it is because it's very strictly
9 enforced by the government to ensure that all people are
10 monitored.

11 REPRESENTATIVE BROWN: I wanted to establish,
12 do you think -- do you see the need for us to be able to
13 prove identity in this country in order to participate
14 in something like an election?

15 MR. COE: Yes, I do think there are certain
16 needs.

17 REPRESENTATIVE BROWN: Do you have any
18 suggestion for us, something that would help the Chinese
19 community that would be easier to -- easier on you?

20 MR. COE: Well, I mean, just one suggestion
21 off the top of my head is some type of provision
22 addressing the problem with names. That's, I think, one
23 of the most frequently noted problems that happened in
24 the 2008 election, which is the problem with a lot of
25 voters having problems because their names didn't match.



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1 REPRESENTATIVE BROWN: Well, rather than
2 everyone here having to learn Chinese, I understand it's
3 a rather difficult language --

4 MR. COE: Right.

5 REPRESENTATIVE BROWN: Do you think it would
6 behoove you and your citizens to adopt a name that we
7 could deal with more readily here, such as you're
8 talking about, and I'm not talking about changing your
9 name, I'm talking about the transliteration, or whatever
10 you refer to this, that you could use with us.

11 MR. COE: Well, transliteration typically is
12 technically governed by certain academic standards
13 right. Like for Chinese, there's the Wade-Giles
14 transliteration system and the Pinyin transliteration
15 system. For Korean and Japanese, there are other
16 various systems. I think two or three for Japanese and
17 three for Korean, so that's transliteration. That's
18 basically where you try to keep the pronunciation of
19 your name but you write it in English alphabet. But a
20 lot of Asian Americans will, for the purpose of daily
21 use, adopt, you know, quote, unquote, American names, so
22 for example, again, my cousin, she goes by Kathy
23 normally, on a day-to-day basis, and Kathy is what it
24 says on her school transcripts and it's what it says --
25 well, she's not in school any more but it's what she



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1 used before and it's what it says on her driver's
2 license, but on her Social Security card and her
3 passport, it says TiShen, because when she first
4 immigrated to the United States, before she chose to
5 adopt Kathy, she used the transliterated Chinese names
6 on those documents, so a problem that arises frequently
7 with Asian Americans is that as time passes, people do
8 one of three things.

9 One, is that they chose to adopt a more
10 Americanized given name to make it easier, as you said,
11 for people to communicate, et cetera, and for
12 documentation purposes. But two is sometimes they will
13 alter the transliteration of their name because they
14 learn that, because not everyone is familiar with who to
15 transliterate names, so when they first come, they kind
16 of give it their best shot, like what they think it
17 sounds like in English, but then they will learn later
18 that they actually should write it differently, et
19 cetera.

20 REPRESENTATIVE BROWN: Can't you see that this
21 is something that would make it a lot easier both for
22 you and for the people who are the poll workers if there
23 were some means by which you could adopt a name just for
24 this poll identification purposes that was easier for
25 the Americans to deal with?



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1 MR. COE: What I'm saying is there may be
2 difficulty in obtaining that ID because of discrepancies
3 between those names or because of discrepancies between
4 the name on the ID and because it was obtained with a
5 certain document versus the name on the polling.

6 REPRESENTATIVE BROWN: Evidently there's
7 difficulties as is it presently exists, from what you
8 tell me.

9 MR. COE: Yes. I mean, I think Asian American
10 Justice Center represented several of the Asian American
11 voters in Florida who had this problem, although a lot
12 of times with them, the problem was, as you
13 transliterated names being basically mangled in the
14 course of being transcribed by government workers.

15 REPRESENTATIVE BROWN: Okay, I see a need here
16 for young people like you, that are obviously very
17 bright, to come up with something that would work for
18 you and then let us see if we can't make it work for us.

19 MR. COE: Well, I think it would be a small
20 but effective adjustment to the bill if we could allow
21 there to be some give and take on the exact matching of
22 the name.

23 I know that -- Gosh, I know there's actually
24 differences between the different states that currently
25 have voter ID laws on this. Florida, I believe, was the



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1 most stringent case where people who were literally had
2 a hyphen their ID and there was no hyphen on the voter
3 rolls were not allowed to vote.

4 REPRESENTATIVE BROWN: That's not just for
5 Chinese.

6 MR. COE: That's for Korean, Chinese,
7 Japanese. Khmer, I believe, is not written in Roman
8 script.

9 REPRESENTATIVE BROWN: Thank you.

10 NEW SPEAKER: And let me just say that I
11 believe Representative Hofburg has a bill in front of
12 our committee where, that we're looking very seriously
13 at, that would, if I understand it correctly, simply
14 provide for the Secretary of State's office to issue
15 some sort of rules and clarifications to create some
16 sort of standardization to ensure that slight
17 mis-spellings in what would be to many poll workers a
18 fairly complicated name --

19 MR. COE: Right.

20 NEW SPEAKER: -- are counted.

21 MR. COE: Right.

22 NEW SPEAKER: Obviously in Texas, we see that
23 with our Hispanic community more than we do with any
24 other community, but I believe that that's currently in
25 the hopper and I think we want to make a very favorable



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1 look at that issue. It may or may not be a part of this
2 bill.

3 MR. COE: Right.

4 CHAIRMAN: And it may be that, for simplicity
5 sake, this bill doesn't change current law in that
6 regard but I do think that this committee needs to look
7 very favorably at legislation along those lines to
8 address those separate concerns simply about transposing
9 letters in any kind of a name, whether it's complicated
10 or otherwise.

11 MR. COE: Right. Well, I mean, again, I think
12 to, you know, also something I forgot to mention to
13 address some of the concerns that Representative Brown
14 raised, I think part of the issue is that under the
15 current law, you know, Asian Americans can use either
16 their photo ID or the voter registration card, and so a
17 lot of Asian Americans who know that they have a problem
18 because their driver's license uses a different name
19 have been, you know, up to this point, able to just use
20 a voter registration card and just avoid that problem.

21 I mean, again, to what degree did that impact
22 the ability for Asian Americans to vote, you know,
23 there's probably a lot of disagreement over that data
24 but I think there's definitely evidence that's there.

25 NEW SPEAKER: And you know, I don't want to



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1 create the impression of the audience that currently if
2 there's one letter that's off, people are not --

3 MR. COE: Right.

4 NEW SPEAKER: -- typically being able to
5 vote. I think poll workers are already exercising
6 reasonable discretion in that regard. It may be that we
7 can provide some clearer standards. I think there is a
8 list that Representative Hofburg presented to us in that
9 committee hearing where it did look like some voters, a
10 relatively small number at the statewide level, that we
11 would all agree are most likely that person were running
12 into some difficulty simply because of the process of
13 comparing names, and that's something that we definitely
14 need to look at. Representative Anchia, did you have a
15 question?

16 REPRESENTATIVE ANCHIA: Just really quickly,
17 in the Senate bill, there is language included that says
18 that your identity must be proven from the documents
19 presented, and what I think --

20 I think the point that you're trying to make
21 is that with names in the Chinese community, your voter
22 registration certificate may have a different name or
23 the way you're listed on the roles may have a different
24 name than your photo ID, your concealed handgun license
25 or any other secondary non-photo identification that you



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1 may have, and your concern is that if there -- and there
2 are all kinds of national studies about the disparity
3 application of on different communities. In fact, in
4 one, I think it was the Cal Tech study that we looked at
5 last night, Asians were asked for additional ID on a
6 much higher percentage.

7 MR. COE: Yes, I've seen that data as well.

8 NEW SPEAKER: So I'm concerned about those
9 issues.

10 MR. COE: Right. I think there's overlap
11 between those issues; you know, again because you're
12 giving poll workers a lot of discretion to look at these
13 items, then you create the increased likelihood of mis-
14 understandings, particularly with naturalized citizens,
15 who, you know, may speak English perfectly well for
16 day-to-day purposes, but when having to talk to somebody
17 about the intricacies and technicalities of, you know,
18 voting law, election law, may be very lost, and a lot of
19 mis-understandings have arisen.

20 In fact, there's been several documented cases
21 before in New York City of this happening. And then
22 again, as you said, the problem with somebody might
23 bring their photo ID thinking I have a photo ID so it be
24 fine, but then there's a discrepancy either because of,
25 again, the difficulty of transliterated names or the



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1 fact that they're really using completely different
2 names on both forms of ID.

3 NEW SPEAKER: And you brought up citizen
4 documents. You've got I know one that's called for in
5 63 spot 0101, and let me preface this question by asking
6 you if you know a little bit about the citizenship
7 documents that are listed in the bill.

8 MR. COE: I actually do not recall off the top
9 of my head so I'd appreciate you refreshing me.

10 NEW SPEAKER: Okay. One is a United States
11 citizenship certificate.

12 MR. COE: Yes.

13 NEW SPEAKER: Which I think refers to the
14 notification of a birth abroad for a U.S. citizen, and I
15 think that's different than a naturalization
16 certificate, which is an N360.

17 MR. COE: Yes.

18 NEW SPEAKER: Okay, so those are two different
19 documents?

20 MR. COE: Yes.

21 NEW SPEAKER: And my understanding is the
22 citizenship certificate would have one's picture on it
23 but that picture might be taken at the time that that
24 person is young.

25 MR. COE: Right.



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1 NEW SPEAKER: Or naturalized, so someone who
2 could be 70 would present that piece of photo
3 documentation and the picture was taken when they were
4 10.

5 MR. COE: Right.

6 NEW SPEAKER: So there might be a difference
7 in their appearance in the intervening 60 years. And
8 then the other documentation that is included in the
9 bill is, relates to naturalization documents, and
10 they're not spelled out here, or citizenship papers
11 rather, in subsection 4. Do you know what those would
12 refer to? So they're non-photo ID citizenship papers.

13 MR. COE: I'm not exactly sure what that
14 refers to.

15 NEW SPEAKER: Okay, I'm not sure either.

16 MR. COE: Yes, I'm not aware of other types of
17 citizenship documents for naturalized immigrants, no.

18 NEW SPEAKER: Thank you for your testimony.

19 MR. COE: Thank you.

20 NEW SPEAKER: Is it true that it's very common
21 for people (Inaudible) for people to sometimes do the
22 surname first and their given name last, or
23 interchangeably?

24 MR. COE: Yes.

25 NEW SPEAKER: Which may also may cause a



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1 problem.

2 MR. COE: Right. Similar to Latino names,
3 many Chinese and Korean names are three parts.

4 NEW SPEAKER: Yes.

5 MR. COE: So there's often confusion with
6 which parts are which.

7 NEW SPEAKER: Sometimes Latino names are
8 forenames, we discussed that last night.

9 MR. COE: Right.

10 NEW SPEAKER: They use forenames.

11 MR. COE: Right.

12 NEW SPEAKER: And I'm not a proponent of
13 changing your name. I think names mean something in
14 families, and for those of us who lost our name
15 somewhere along the way when they wanted us to change
16 our name to the master's name and so we've lost our
17 name. I don't know what my name is. And so I just
18 wanted to bring that to the forefront. We don't want to
19 damage cultures and ask people to change their name for
20 the purpose of voting.

21 CHAIRMAN: Any other questions, members?
22 Representative Hefler?

23 REPRESENTATIVE. HEFLER: No, I'll pass.

24 CHAIRMAN: All right. Representative Brown?

25 REPRESENTATIVE BROWN: And I'm sorry if I



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1 leave the impression that I -- I'm sorry if I gave the
2 impression that I was trying to get you to change your
3 name.

4 MR. COE: No, no, my name is Ramey.

5 REPRESENTATIVE BROWN: I'm trying to figure
6 out some form of identification that the poll workers,
7 if they happen to be white, Anglo, Hispanic, whatever,
8 that they might be -- if Chinese was not their native
9 tongue, I'll put it that way.

10 MR. COE: Right.

11 REPRESENTATIVE BROWN: That they might be some
12 sort of matching.

13 MR. COE: Right. Again, I'm not saying that
14 that isn't a possibility. You know. I think the issue
15 is that many Asian American voters will have existing
16 valid photo ID that they think and have always been led
17 to believe is sufficient photo ID to prove their
18 identity for other purposes. You know, a driver's
19 license that they've had for years and years and years
20 and it's current and it's not expired, but because now
21 there's a requirement that requires them to show that
22 particular piece of ID or something, you know, other
23 type of ID where they have a name that they use in
24 certain contexts and that happened to not be the name
25 that they used to register to vote because they decided



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1 they needed to use their Social Security card name for
2 legal purposes or whatever. Again, that's just an
3 additional issue. They might show up at the polls and
4 say, "Well, this is my driver's license. It's current,
5 and then now I have to go and deal with this somehow,"
6 you know.

7 REPRESENTATIVE BROWN: I think you're arguing
8 that you may need some more education about the voting
9 process if we, if we go through with this bill.

10 MR. COE: Yes, I think that's definitely, if
11 the bill, if some form of the bill goes through, I think
12 that's critical.

13 REPRESENTATIVE BROWN: To Chinese Americans.

14 MR. COE: An outreach, yes, specifically.
15 Vietnamese Americans is obviously another very large
16 community here in Texas. And so, you know, I think it's
17 definitely critical, especially because since Asian
18 Americans are such a fragmented language population, a
19 lot of places, polling places, won't have language
20 assistance for most of them because they don't meet the
21 population requirements to have language assistance. So
22 if they encounter problems and they get to a point where
23 the discussion of the poll worker starts going over
24 their heads, it may be very difficult, so --

25 REPRESENTATIVE BROWN: Thank you for pointing



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1 that out to us.

2 MR. COE: Yes. No problem.

3 CHAIRMAN: Any other questions of Mr. Coe?

4 Thank you, Mr. Coe. I appreciate it very much.

5 MR. COE: Thank you very much, committee,
6 Mr. Chairman.

7 CHAIRMAN: Okay, we had a witness that wasn't
8 available earlier, Pedro Lopez. Are you with us now?

9 I don't see Mr. Lopez, and therefore, I'm
10 going to show him as not testifying but being in favor
11 of Senate bill 362.

12 Members, at this time, I'm going to close on
13 Senate bill -- I'm going to close on Senate bill 362 and
14 leave that bill pending, and before you throw a riot,
15 members, members of the audience, let me explain what
16 we're doing. We have two members that have been with us
17 for about several hours today, along with the audience,
18 and they have bills that have only a few witnesses that
19 wish to testify, and we have a number of witnesses that
20 still wish to testify on Senate bill 362, so rather than
21 require Mr. Dunham and Mr. Hobson to sit around here for
22 the rest of the evening and listen to all of the
23 witnesses on Senate bill 362, what we're going to do at
24 this point is take about a 15 minute break from
25 testimony on Senate bill 362 and lay out their bills,



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1 hear from a few witnesses on them and then return --

2 Okay, we're not going to hear from witnesses
3 on them, we're simply going to lay out their
4 legislation.

5 Okay, I've been told that they have a number
6 of witnesses. Apparently it's not just a few witnesses,
7 and therefore, what we're going to do is allow them to
8 lay their legislation out, and then close, leave it as
9 pending business and then return to Senate bill 362. Is
10 that all right?

11 At this time, the Chair lays out House Bill
12 4421 by Representative Chairman Dunham and calls on
13 Chairman Dunham to explain the bill.

14 REPRESENTATIVE DUNHAM: Thank you,
15 Mr. Chairman. I also have 4418, which has similar
16 elements in it, and at your pleasure, I would lay them
17 out both.

18 CHAIRMAN: Okay, the Chair now lays out House
19 Bill 4418 by Chairman Dunham and would ask you to
20 explain that bill as well.

21 REPRESENTATIVE DUNHAM: Thank you,
22 Mr. Chairman and members. We have issues regarding to
23 the integrity in our voting system that has gotten
24 thousands of people writing the capitol and hundreds of
25 people showing up at the capitol, and I think that maybe



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1 we're overcomplicating the issue.

2 I can, if I want, take this card that has no
3 picture on it and no name on it and get access to a
4 multi million dollar building across the street that has
5 confidential client information in it, that has a safe
6 in it, that has information that should only be accessed
7 exclusively. And when I use this card, they know I use
8 this card, they know what time I entered the building,
9 they know what time I left the building, and if someone
10 tried to use this card at the same time, they would get
11 caught across town.

12 Today, I have a daughter and she can take a
13 card just like this and go to Dillards and buy
14 something. It doesn't have her picture on it and it
15 gives her access to amount of money that's probably
16 imprudent on her father's part, and if she buys a gallon
17 of gasoline, crosses street and buys another gallon of
18 gasoline, the credit card company will cut her off
19 because they know about the potential of fraud.

20 We have learned in this country there is
21 billions, if not trillions, of dollars that is being
22 securely used in transactions every second in the United
23 States with integrity and there is no picture on this.
24 I had to sign it. There's a magnetic strip on the back
25 that has a great quantity of information, and every time



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1 I use it, they know where I used it and what I used it
2 for, and if I lose it, I can call a phone number and
3 immediately cut it off.

4 I get this in the mail from the state of
5 Texas. You know what? If I want to get this in my
6 wallet, I got to cut it, I probably got to laminate it,
7 I got to fold it several ways to where you can't see all
8 the information on it, and so what I generally do when I
9 get this is I lay it on a counter somewhere and I lose
10 it.

11 Now the state of Texas, we know, despite the
12 government not doing everything right, can issue this,
13 which is a piece of plastic that happens to be the same
14 size as my credit card, and I can drive with it, and I
15 don't lose this because it's really easy. In fact, they
16 actually make wallets for these to fit in them, things
17 this size. They don't make wallets to contain these
18 things.

19 So there's several issues that we have before
20 us. One is why in the world is the state of Texas
21 spending millions of dollars and having me give them all
22 this verification for them to give me this voter
23 registration card if it's meaningless. Why am I having
24 to show up with a Social Security card and this and that
25 and whatever and prove I'm a U.S. citizen and prove I



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1 live in Texas, and all other things, my water bill and
2 whatever, for the state to issue this to me and then for
3 the state to say, "Oh, and by the way, you can't vote
4 with that." Right? I don't understand. Why would we
5 do that? Why would have the state go through and spend
6 millions of dollars and employ hundreds, if not
7 thousands, of people to verify and make sure we don't
8 give this to the wrong person and then we give it to
9 them and say you can't vote with it. You got to have
10 something else. Well, just give me something else to
11 begin with, right?

12 So we came up with a bill that's called the
13 Voter Integrity Act of 2009. It sets forth two things
14 that seem to make sense. One is if I'm going to
15 register in the Motor Voter Program, or whatever it's
16 really called, you know, where you go in and you get
17 your driver's license and they say, "Hey, you want to
18 vote," just like, "Hey, you want to give your organs,"
19 or whatever it is, right? They ask you that, they ask
20 you if you want to give your organs, and if you do, they
21 put it on the back of your driver's license, so that
22 when you're in a car wreck and you're at the hospital
23 and they see your driver's license and I'm a goner, they
24 can take my organs, right? Why can't they put something
25 on the back of this thing that says, "I'm registered to



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1 vote?" And put it whatever on the magnetic strip, you
2 know, that gives them the whatever, the security they
3 need, you know, so that this can't be copied, you know,
4 other than by an enterprising 15 year old that wants to
5 buy a beer? Why can't they do that? Why can't they
6 just put something on the strip that says where I vote
7 and all the data that's on this card and then they put
8 on the back there's a box that says here, you know,
9 allergic reaction, that they can check it and they can
10 put that I'm allergic to penicillin on the back of my
11 driver's license. Why can't they check a box that says
12 that Jim Dunham is registered to vote and when I show up
13 and when I vote, I hand them this and I vote?

14 Well, they can. They can. We just have to
15 tell them to, and HB 4418 tells them to. It tells DPS
16 whenever I show up, someone shows up to get a driver's
17 license and they chose to register to vote at the same
18 time, they put on their driver's license, and that's
19 it. They don't get a voter registration card. This is
20 it. This is what you use to vote.

21 Now we have voter drives, we have mail-in
22 ballots, where you people who live in nursing homes,
23 they don't show up at the DPS, they don't have a
24 driver's license, so what do you do about that? Well,
25 the problem with this to me, I guess, is man, I agree,



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1 you know, I guess I could copy that. I could copy that.

2 Well, everything we have these days doesn't
3 have photos all over it. The first photo ID I got when
4 I was an adult was when I got in the legislature, other
5 than my driver's license. People don't get photo IDs.
6 You get one when you're in college, I guess. Baylor
7 gave me one. I was a handsome skinny, young guy, but I
8 didn't have a photo ID, a second photo ID as an adult
9 until I got in the Texas legislature and they gave me
10 one.

11 So why don't we have something where this
12 document, this voter registration card, if we're going
13 to go through all the effort to validate the information
14 and then send it to someone, why don't we have a secure
15 something, not a piece of cardboard, but a card that has
16 a magnetic strip that has the information on it that,
17 you know, we don't --

18 I mean, people aren't copying these credit
19 cards all the time to go vote, but they can put
20 information on it, you can sign the back just like you
21 do your credit card when you get it. You can call. As
22 soon as you get your voter registration card, you know
23 what you can do? Just like you get your credit card.
24 It doesn't work if you don't call and say you got it,
25 right? Do the same thing, and issue a voter



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1 registration card that looks like this for people that
2 don't do Motor Voter.

3 There's two ways you vote. One is you got a
4 piece of plastic that looks like a credit card that you
5 activated when you got it by calling in and validating
6 and verifying that it got to the right person, or you
7 did Motor Voter and you used your driver's license. You
8 do one of those two things. And you create, to the
9 extent that there's a problem with the security of this
10 voter registration card, fix it. We have security
11 devices on our dollar bills. You if you hold them up to
12 the light, there's a hologram. If you're worried about
13 this thing getting copied, put a hologram on it. They
14 know how to do all this stuff. It's very easy.

15 So House Bill 4418 does that to provide the
16 security that we need, because again why in the world
17 are we spending millions of dollars for the state of
18 Texas to give me a piece of paper that will not allow me
19 to vote? It's totally -- it's just crazy. It's crazy,
20 and that's why I can't remember ever voting with this,
21 because I proceed to lose it almost as soon as I get it
22 because I don't know what to do with it, because it's
23 like this, this big piece of paper that I don't want to
24 carry around.

25 So if we can do it to gain access to a



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1 building, if we can do it to spend thousands and
2 thousands of dollars with security, why can't we do it
3 for voting?

4 The second thing that we do with 4418 --

5 Yes.

6 NEW SPEAKER: Real quick, Mr. Dunham. I don't
7 understand; your fiscal note says, "No significant
8 physical implications to the state."

9 REPRESENTATIVE DUNHAM: There's not, because
10 all we're doing is changing this to a piece of plastic,
11 which we already do for the Lone Star card. I mean, the
12 Lone Star card is a piece of plastic that has some
13 security devices in it. When they swipe it, they know
14 what the recipient, the food stamp recipient bought,
15 they know where they bought it, they have mechanisms
16 that they put in place under Commissioner Sharp about
17 how to track fraud when people are fraudulently using
18 their Lone Star card. The same thing. And so there's
19 no extra cost to do this instead of this. It's a piece
20 of plastic. We do it all the time.

21 NEW SPEAKER: You know, Representative Dunham,
22 I understand, I think I agree with you in terms of the
23 convenience of carrying a billfold sized card.

24 REPRESENTATIVE DUNHAM: It's not the
25 convenience, it's the security. This is something that



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1 I probably, if I'm enterprising enough, could probably
2 copy this, okay. I can't copy this unless I'm in the
3 Mafia, I guess. I mean, it's difficult to do
4 evidently. And so why don't we create a secure, a
5 secure ID for voting.

6 NEW SPEAKER: If you're simply taking this,
7 you're relying on the very identical process that we
8 currently use and you're taking the exact same
9 information and you're simply putting it on a plastic
10 card that is smaller and easier to carry than a current
11 voter registration card.

12 REPRESENTATIVE DUNHAM: But it's also a --

13 NEW SPEAKER: How is your argument that that
14 enhances security at the polls?

15 REPRESENTATIVE DUNHAM: Because it's a secure,
16 it's a secure document. It has -- it has information on
17 it electronically coded on it. If I lose it, I can
18 report it lost immediately. If it's misplaced, I can
19 report it lost immediately. When I receive it, I
20 actually do something to activate it, which assures that
21 it was received by the correct person.

22 When I use it to vote, swipe, instantly. No
23 one else can vote with a falsified card, or if they do,
24 bingo, the computer tells them and that person gets
25 stopped and arrested and starts getting asked questions.



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1 It improves the integrity of the system
2 because you can computerize and automate it, everything,
3 just like if I go use this credit card across the street
4 to buy a Coke and then 30 minutes later, buy another
5 Coke across the street, they know that I'm a potential
6 for credit card fraud.

7 NEW SPEAKER: I can see your argument insofar
8 as it relates to a voter in good faith who is receiving
9 this card in the mail and who wishes to use it for
10 purposes of casting their vote only, and it would allow
11 them, if they lost it, to call someone, secure the
12 credit card and say cancel that, so that someone can't
13 pick it up on the street and use it for purposes of
14 voting.

15 NEW SPEAKER: And also you can't even activate
16 it until you call. And guess what? You actually have
17 to call from your home number to activate your credit
18 card. You can't just call from any number, you have to
19 call from your home number. They know that. So it
20 protects the integrity. You have a closed loop on
21 handing this out. If we're worried about people swiping
22 these things, which I can't quite figure out why, but
23 people are worried about it, so why don't you have a
24 closed loop on how they're handed out. We do it every
25 day.



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1 If I lose this, I'll get another one in three
2 days and I won't be able to use it until I've called
3 from my home phone number and activate it.

4 CHAIRMAN: Representative Bohac?

5 REPRESENTATIVE BOHAC: Chairman Dunham, I can
6 say as a technical, tech guy myself, I like where you're
7 going, I really do, but I think there's a couple things
8 I would like to consider. Number one is the cost,
9 because technology, while bringing efficiencies, it
10 would --

11 There's a number of counties who don't have
12 the money to fund electronic voting machines or the
13 technology we would need to be able to utilize this
14 system.

15 REPRESENTATIVE DUNHAM: Well, that's why, if
16 you look at the fiscal note, it talks about that. It
17 talks about the cost. That's proportionally why we have
18 fiscal notes, and this one says there's no cost. I
19 mean, there's no cost for it, because they're already
20 doing this, and to just do it in a different form that
21 has some security doesn't require any extra, extra
22 money.

23 REPRESENTATIVE BOHAC: No, no, what I'm saying
24 is, Chairman Dunham, is that county election departments
25 would have to have some type of equipment that would be



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1 able to read that card and then be able to communicate
2 real time with other voting places and so forth, so I'm
3 just saying, conceptually, I like the direction you're
4 going. Number one, I think there could be a significant
5 cost to local voting jurisdictions. Number two, I think
6 this requires a higher level of sophistication, voting
7 sophistication, than some of the other concepts that we
8 discussed here in this body, just coming from, you know,
9 just looking at it. I mean, there's a lot of upside,
10 because you got to be -- we would have to use the
11 telephone and --

12 REPRESENTATIVE DUNHAM: Oh, my God.

13 REPRESENTATIVE BOHAC: Well, what I'm saying
14 is there are accessibility issues for many of these --
15 for some of these, for some folks, and I don't know, I'm
16 just saying we have to --

17 REPRESENTATIVE DUNHAM: Right now you're
18 saying they would have to go find another photo ID,
19 which I never had one until I was 33 years old.

20 REPRESENTATIVE BOHAC: I think we heard some
21 testimony yesterday that roughly you have about 1 point
22 some odd percent folks that do not currently have a
23 voter ID, so we would have to actively seek them out
24 and, of course, help them.

25 CHAIRMAN: Note for the record at this point



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1 that Representative Bohac is accusing Chairman Dunham of
2 attempting to suppress photos. Go ahead. I'm kidding.

3 REPRESENTATIVE BOHAC: No, no, I just think,
4 conceptually, if we really, you know, think big about
5 your bill, I think it has a lot of, there's a lot of
6 good items in it. I don't know if we're there yet.

7 REPRESENTATIVE DUNHAM: I don't think we're
8 there yet because I think this is not about protecting
9 the integrity of the voting system. I don't think
10 that's what this process is about.

11 I think this process is about trying to effect
12 elections in artificial manners. I think this is about
13 suppressing votes. I don't think this is about
14 impersonating people to go vote. I don't think that's
15 happening no one is getting prosecuted on it, but if
16 this is really about people impersonating other people
17 on voting, then let's increase the integrity of the
18 security device on what the state of Texas sends out.
19 Let's not have the state of Texas make me jump through
20 five hoops to get one of these and then the state of
21 Texas says, "You know what, Jim? That ain't enough for
22 you to vote. You need something else too." Why don't
23 you just give me that to begin with? Why don't you give
24 that to me to begin with? If I need my photo on there,
25 take my photo and it put it on it, okay, but don't give



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1 me a piece of paper that I can like, you know, clean my
2 teeth with. It has to have some useful purpose other
3 than creating one more obstacle to me voting, because
4 now I have to have two things.

5 I think we would be better off having one
6 thing, either a driver's license, if they go ahead and
7 put it on there when they give it to me and they
8 electronically coat it and I can vote with this thing,
9 because I can't anyway, or are they not doing the
10 correct things to pass these out? Are we not being
11 scrupulous in getting information and passing these
12 out? Then why do we pass them out? Why are we passing
13 these out if that's not good enough?

14 REPRESENTATIVE BOHAC: I understand your
15 point. One more question --

16 REPRESENTATIVE DUNHAM: No, I want to know.
17 Why are we passing this out if this is not good enough?
18 Make it good enough. Do whatever it takes to make this
19 good enough.

20 REPRESENTATIVE BOHAC: When you say do
21 whatever it takes, you don't want us to require people
22 that can currently register to vote in their living room
23 by filling out a form and sticking it in the mail box to
24 have to go to the DPS station to register to vote.

25 REPRESENTATIVE DUNHAM: No, of course not.



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1 Because I can get one of these the same way at home by
2 filling out an application and doing whatever is
3 necessary and they give me one of these, and we know for
4 decades, they have been able to protect the integrity of
5 a credit card or a Lone Star card.

6 You know, we went to the Lone Star card with a
7 computerized automated system to prevent fraud, and it
8 saved millions of dollars and we don't have problems
9 with people replicating Lone Star cards all over the
10 state of Texas. It is technology that they can do and
11 they can do it very, very quickly if the issue really is
12 voter impersonation.

13 The other thing you do if the issue really is
14 voter impersonation, you tell someone that does it that
15 they're going to jail two to ten. You make it a third
16 degree felony. I laid out a bill in criminal justice
17 today --

18 REPRESENTATIVE BOHAC: It's already two to
19 ten.

20 REPRESENTATIVE DUNHAM: And that is already,
21 already also obtaining it should be a third degree
22 felony. Obtaining the card and voting with the card,
23 both. And also you allow, by pulling in, by that, to
24 pull in people that aid and abet others or participate
25 in conspiracies with others to either aid and abet



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1 obtaining the card or aid and abet in the actual
2 voting. That is something that I laid out in front of
3 criminal justice today and it's actually a provision in
4 4482. That's why it's a Voter Integrity Act. It's not
5 just one thing. It covers several things.

6 It covers the security, the security of the
7 identification. Whatever you want it to be, make it
8 secure so that folks out here aren't worried about
9 people going around and voting for other people. That
10 there's only one of these out there and there's only one
11 of these like this out there, and once it's used, nobody
12 else can vote for that person. That solves part of the
13 problem. And also put it on a driver's license for
14 people that go through Motor Voter so that you're not --
15 you will actually save money because you don't have to
16 then send me this.

17 REPRESENTATIVE BOHAC: When you says once it's
18 used, nobody else can vote for that voter, how is that.

19 REPRESENTATIVE DUNHAM: Because once they use
20 it, you can only vote at one precinct, we know that, it
21 says that, and you can actually put that on the card.
22 It's actually on the card. It says this is the precinct
23 you can vote at it. And right now, low and behold, when
24 I show up and vote, they have a stamp that says "Voted,"
25 and they stamp that right by my name, and when the next



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1 guy comes up and says, "I'm Jim Dunham, here's my ID,"
2 they say, "Wait a minute, Jim already voted. Let's go
3 talk to the DA or the sheriff," right?

4 If you get, if you move towards doing that
5 even electronically, with a swipe card, and I'm not
6 saying we do it instantly, but if you move towards doing
7 it with a swipe card, then you're headed towards
8 additional integrity on it.

9 Then the third thing --

10 REPRESENTATIVE BOHAC: And let me say,
11 I'm not representing any opinion about the extent to
12 which this does occur or would occur, but under your
13 scenario, with that card, you could, with impunity,
14 simply hand it to someone else and let them vote on your
15 behalf.

16 REPRESENTATIVE DUNHAM: I can with this too.

17 REPRESENTATIVE BOHAC: Is that right?

18 REPRESENTATIVE DUNHAM: Yes, I guess so. I
19 can do this too except I've signed this.

20 REPRESENTATIVE BOHAC: Yes.

21 REPRESENTATIVE DUNHAM: And I've signed this,
22 and what's weird is when I try to buy that loaf of bread
23 at the grocery store, or I'm buying something, they turn
24 this over and they look at my signature and they compare
25 it to the signature of the other person, and it gives



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1 them the opportunity to do some verification that it's
2 me. That's why they say you can't use it until you've
3 signed it. And so all these things are already in
4 place.

5 We have a huge problem with credit card
6 fraud. We will until the end of time because it has to
7 do with stealing money, okay, and they have come up with
8 the systems to protect our credit system for credit
9 cards, and we use it for our own Lone Star card and I
10 assume we use it for our driver's license. I imagine
11 that this thing has stuff on the back of it that's very,
12 very unique to me, so we already use it, and I do swipe
13 it, I don't know why and I don't know what's on there
14 but there's something on there, and the technology is
15 all there.

16 So to me, there's three pieces to this if it's
17 really voter impersonation. One is the integrity of the
18 ID. Whether it has a picture or not, it has to have --
19 and I promise, I hope, if you look at this picture and
20 me now, I've lost 45 pounds and hopefully I look a
21 little different, okay, so there's more to it than just
22 the picture. There's the signature too and there's the
23 other information.

24 So the first piece is protecting the integrity
25 of the ID, and that's what we do in here. The second



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1 thing is making sure people understand that there are
2 strong consequences to not just doing, not just voting
3 illegally, but procuring an ID illegally or assisting
4 and abetting someone else in doing so. Make it a third
5 degree felony, make it a second degree felony. If it's
6 a felony and you hear about people, oh, they were paid
7 \$50 to go vote, well, this has a \$10,000 fine, and we do
8 know that deterrence works.

9 The third piece of this is the issue of dead
10 people voting, okay. Because I'm not really -- I mean,
11 the odds of somebody taking my ID, go voting for me, I'm
12 going to show up. I mean, you know, you risk somebody
13 is going to show up and somebody is going to start
14 asking questions, okay. So people say what about dead
15 people voting, and if you look in here, right now, right
16 now we have laws on the book that every year, the people
17 that are in charge of the death certificates are
18 supposed to communicate with the people who handle the
19 voting certificates. They are supposed to talk to one
20 another and say, "Here, here's all the people that
21 died," okay. And they're supposed to tell them, "Hey,
22 these people died, take them off the rolls." That is
23 already current law, okay. And to the extent we have
24 dead people on the rolls, it's because somebody is not
25 doing their job.



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1 REPRESENTATIVE BOHAC: I'll just tell you we
2 heard testimony last night that what they're doing in
3 Harris County, if I recall correctly, is cutting
4 peoples' names out of the obituaries in the newspapers
5 for the purpose of trying to clean up the rolls.

6 REPRESENTATIVE DUNHAM: Right, and we have,
7 there is a system on the books right now where the
8 registrar of death certificates is required to
9 communicate with the voter registrar.

10 REPRESENTATIVE BOHAC: That happens monthly.

11 REPRESENTATIVE DUNHAM: So if people aren't
12 doing that, we need to do something about that. In
13 addition, in addition, we have people that keep track of
14 people who move. There is a system of when people move,
15 that that is supposed to also be reported, and so we
16 have a third provision in here that, that requires
17 additional reporting and job duties for the Secretary of
18 State, and if you look at the last part of the bill,
19 each register is going to report their cancellations in
20 this chapter monthly to the Secretary of State. And so
21 the Secretary of State will report those cancellations
22 to the legislature, and that way, you're going to assure
23 that that registrar who got the death certificates and
24 is supposed to purging them monthly, they're going to be
25 telling the Secretary of State whether or not they did



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1 it every month, and if they don't comply with the law,
2 then let's call the AG, or whoever we need to call to
3 call these people on the map.

4 Actually the bill, as I asked them to draft
5 it, I said, "Hey, let's get the death certificate people
6 to talk to the voter registrar people and let's make
7 sure they get off the rolls," and we looked and they
8 said low and behold, the statute already says they're
9 going to do it. And so why aren't they doing it? So we
10 said let's get the Secretary of State authority that
11 they will monitor it monthly and so you, you deal with
12 that issue as well.

13 REPRESENTATIVE BOHAC: It only requires them
14 to report it, doesn't it, Jim? There's no
15 requirement --

16 REPRESENTATIVE DUNHAM: That's right.

17 REPRESENTATIVE BOHAC: -- that they do
18 anything about it, is there, in the bill?

19 REPRESENTATIVE DUNHAM: Well, the law is
20 already the law what they're supposed to do, so if
21 they're not complying --

22 REPRESENTATIVE BOHAC: Is there a consequence
23 for failure to comply with the law currently?

24 REPRESENTATIVE DUNHAM: I'll pull that for you
25 but I'm pretty sure there's consequences to not



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1 following the law on almost everything. What we want to
2 do is have the Secretary of State to get the list,
3 because if they get a list from Harris County next month
4 that says, "Hey, you know what? Nobody died." Well, we
5 know they didn't do their job because somebody died in
6 Harris County last month and probably some of them were
7 registered to vote, okay.

8 So either they didn't get the information from
9 the registrar of death certificates or they didn't get
10 the information, or the registrar of voting didn't do
11 anything with it, and that's why you have the voter
12 registrar report on it, on their cancellations each
13 month, and that way you can police whether they're doing
14 their job.

15 If there's another way to do that, we'll do
16 that. But I mean, the bottom line is if there are dead
17 peoples on the rolls, somebody is not doing their job so
18 let's fire them and get somebody else that can do the
19 job. Let's not make it harder for me to vote. Let's
20 make them do their job. I do my job, and if I don't, I
21 have consequences that people behind me don't. I mean,
22 that's what I don't understand. If somebody is not
23 doing their job, why does that mess with me? I mean,
24 I'm doing my job.

25 CHAIRMAN: Questions? Representative Brown?



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1 REPRESENTATIVE BROWN: Representative Dunham,
2 I like the thought that you have put into this and the
3 solutions you have come up with. However, you haven't
4 addressed any of those things that we've been wrestling
5 with all this time. All the bills have been filed, you
6 know, we still have the claims of how hard it is on the
7 very poor and the very old and the, you know, all of
8 these populations, and I don't see that your solution
9 makes it any easier. In fact, it probably makes it
10 harder on these populations.

11 REPRESENTATIVE DUNHAM: I don't know how it
12 makes it any harder. Right now, these populations are
13 getting this document and you all are fixing to tell
14 them that's not good enough for them to vote, and what
15 I'm suggesting is that the state, instead of sending
16 them this document, send them a secure document in the
17 first place that says that is good enough for you to
18 vote. I think that makes it easier on them.

19 REPRESENTATIVE BROWN: So they don't have to
20 show up anywhere to get it? It just comes in the mail?

21 REPRESENTATIVE DUNHAM: They have to do
22 whatever is necessary to get this document right now,
23 whatever forms of ID, whatever affidavits, whatever it
24 is you have to do to get this.

25 Actually I know I did it when I voted, when I



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1 got my driver's license, but whatever you have to do to
2 get this, you get it. You just get something that is a
3 more secure form of identification that provides
4 additional security for the system, so I don't see how
5 that makes it tougher on anybody. It makes it easier.

6 REPRESENTATIVE BROWN: And you're not
7 recommending that we have a photo on this card?

8 REPRESENTATIVE DUNHAM: No, because it makes
9 it difficult for you to have voter registration drives.
10 You know, at the mall, you would have to take their
11 picture and keep track of whose picture goes with what,
12 and it would be very, very difficult. That's why I
13 think for people that happen to already be at DPS doing
14 their driver's license and doing all those things, you
15 had actually save money by just putting a code on the
16 back of your driver's license and say that's it. That's
17 all you need.

18 REPRESENTATIVE BROWN: The phase-in on this
19 would be six years, right?

20 REPRESENTATIVE DUNHAM: On mine? No, I think
21 that they could probably start doing the driver's
22 license deals almost immediately.

23 REPRESENTATIVE BROWN: Yes. But I assume it
24 would be done as driver's license come up for renewal?

25 REPRESENTATIVE DUNHAM: Right. Yes, but for



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1 people that are getting these and registering and
2 getting their new voter registration cards, instead of
3 getting these, they would start getting the more secure
4 identification immediately, but it wouldn't be anything
5 like six years. I imagine it would take them, I don't
6 know, six months or something to --

7 CHAIRMAN: So if they don't call within a
8 certain period of time, then they would not be able to
9 vote? I mean, you accept that barrier?

10 REPRESENTATIVE DUNHAM: I received this -- I
11 received this, I don't know how often. I get it in the
12 mail, and actually this is not mine because I've lost
13 mine so I got one from one of my staffers to happened to
14 have one. So -- so whatever the process is for renewal
15 and re-issuance of these, we would do the same thing.

16 CHAIRMAN: But you earlier said that one of
17 the reasons why this would be more secure is that people
18 would have to call from the telephone at their home.
19 Are you prepared to accept that barrier?

20 REPRESENTATIVE DUNHAM: Am I prepared?

21 CHAIRMAN: Yes.

22 REPRESENTATIVE DUNHAM: Yes, I can do it.

23 CHAIRMAN: For all voters. What about the
24 homeless guy whose back pack --

25 REPRESENTATIVE DUNHAM: If it's a bad idea,



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1 don't make them call and do it. It's better than giving
2 them something that has no security at all. I mean, we
3 tried to -- I mean, I don't understand it.

4 CHAIRMAN: Well, we had an earlier, you may
5 not have been here but we had one of the earlier people
6 express concerns about Senate bill 362 because you could
7 have a homeless guy whose all of his possessions are in
8 his back pack who has his back pack stolen three weeks
9 before an election, and we were talking about the fact
10 that it's difficult to structure an identification
11 requirement around that sort of horror story, but we do
12 provide and take that person's right to vote seriously
13 and are trying to accommodate that in some sort of
14 provisional ballot mechanism even for the worst horror
15 story, but I'm trying to point out that even this
16 proposal places barriers in front of some voters than I
17 believe are different than and therefore potentially
18 harsher than.

19 REPRESENTATIVE DUNHAM: Like what?

20 CHAIRMAN: Well, if we're going to require,
21 for security purposes, than in order to activate the
22 more secure card --

23 REPRESENTATIVE DUNHAM: The bill doesn't say
24 that.

25 CHAIRMAN: -- a phone call from their home.



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1 REPRESENTATIVE DUNHAM: The bill doesn't say
2 that.

3 CHAIRMAN: Okay. Well, earlier when I asked
4 you how this was more secure than a voter registration
5 card, that was the answer that I was given.

6 REPRESENTATIVE DUNHAM: Well, the reason it's
7 more secure is because you have magnetic data on it,
8 identifying data on it, and you have a signature on it,
9 just like you do on this, and you can't replicate the
10 magnetic data.

11 CHAIRMAN: Yes, the magnetic data has your
12 name and address on a magnetic card.

13 REPRESENTATIVE DUNHAM: That's what -- that is
14 what makes it unique and a secure device.

15 CHAIRMAN: Well, I don't know if that makes it
16 any more secure than a registration card. If the person
17 has to call from their home in order to activate the
18 card, which you have to do with a credit card, if you
19 have to do that, then I might agree that does add an
20 element of security, but it also creates a barrier.

21 REPRESENTATIVE DUNHAM: Well, then don't do
22 it. It's not in the bill. You asked me to how to make
23 it more secure.

24 CHAIRMAN: It's really the classic example of
25 the tension between the goals and access of security



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1 that you get to no matter which device you're
2 proposing.

3 I think everybody on this panel believes that
4 technology can be a part of striking that balance, but,
5 you know, it's a tricky, tricky deal. If you want to
6 make it more secure, I think that's the element that
7 made it more secure but it's also the element that
8 created the barrier.

9 REPRESENTATIVE DUNHAM: You don't think that's
10 more secure than this? What about this, what about
11 this?

12 CHAIRMAN: If that electronic data simply
13 provides the telephone number and address and
14 information and is already on the voter registration
15 card, I don't see how it does, no.

16 REPRESENTATIVE DUNHAM: Because you can't
17 replicate it readily. You cannot replicate is readily.
18 I don't have to call when I get my driver's license.

19 CHAIRMAN: I don't know that we, you know,
20 maybe I'm wrong, but I'm not aware of a part of the
21 allegation of fraud being that someone is taking a valid
22 voter registration card and making copies of it a bunch
23 of time.

24 REPRESENTATIVE DUNHAM: So what's the
25 allegation?



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